

REMARKS

Claims 1, 14 and 26-28 have been amended. Support for the amendments may be found throughout the specification. No new matter has been added. Claims 3, 16-25 and 29-30 have been cancelled without prejudice. Applicants reserve the right to prosecute the cancelled subject matter in a continuing or divisional application claiming priority to this application.

Claims 1, 11, 12, 14, 15, 26, 27, 28, 35, 36, 37, 63 and 64 are pending.

CLAIM OBJECTIONS

The Examiner has objected to claims 1, 3, 11, 12, 14, 15, 26-30, 35-57, 63 and 64 as containing non-elected subject matter. See Office Action at p. 5. Claims 3 and 29-30 have been cancelled without prejudice. Claims 1, 14, 26, 27 and 28 have been amended to contain elected subject matter only. Applicants respectfully request withdrawal of this objection with the respect to claim 1 and dependent claims thereof.

CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. §112, first paragraph

The Examiner has rejected claims 1, 3, 11, 12, 14, 15, 26-30, 35-37, 63 and 64 under 35 U.S.C § 102(b) as being anticipated by Portnaya et al. (STN International HCAPLUS database, Columbus (OH), accession number: 1962:469757 (1960)) ("Portnaya"). See Office Action at p. 4. Claims 3 and 29-30 have been cancelled without prejudice and as such, this rejection is moot with respect to those claims. Claims 11, 12, 14, 15, 26, 27, 28, 35-37, 63 and 64 depend from independent claim 1.

Specifically, the Examiner contends that claims of the present application are anticipated by Portnaya when R₃ is hydrocarbyl, X is S, L is absent, R₄ is H and R₅ is an optionally substituted aryl ring. See Office Action at p. 4.

Portnaya only discloses compounds where R₄ is H. As stated on page 3 of the Office Action, the Examiner has restricted the claims to encompass compounds such that R₄ is hydrocarbyl. In an effort to expedite prosecution and not in acquiescence of this rejection, Applicants have amended claim 1 to cover compounds in which R₄ is hydrocarbyl. Hydrogen is not encompassed by the term hydrocarbyl. Accordingly, claim 1 and dependent claims are not

anticipated by Portnaya. Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of claims under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 1, 3, 11, 12, 14, 15, 26-30, 35-37, 63 and 64 under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." See Office Action at p. 4. Claims 3 and 29-30 have been cancelled without prejudice and as such, this rejection is moot with respect to those claims. Claims 11, 12, 14, 15, 26, 27, 28, 35-37, 63 and 64 depend from independent claim 1.

Specifically, the Examiner contends that the definition of "X" in Formula (IV) is not disclosed anywhere. See Office Action at p. 4. In an effort to expedite prosecution and not in acquiescence of this rejection, Applicants have amended claim 1 to include the correct structure of formula (IV) which does not contain any references to "X."

As such, Applicants respectfully request the withdrawal of this rejection with respect to claim 1 and dependent claims thereof.


CONCLUSION

Applicants believe that the claims are in condition for allowance.

Should any fees be required by the present Amendment, the Commissioner is hereby authorized to charge Deposit Account **19-4293**.

Respectfully submitted,

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